
APPEALS & APPELLATE DECISIONS

TRANSCRIPTS IN APPEALS

Appellate Rules 28, 29 & 30

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The technical requirements of [Ind. Appellate Rule 28](#) determine the manner of the court reporter's preparation of the Transcript:

- 8-1/2 x 11 inch white paper;
- the lines of each page are numbered;
- each page must contain no less than 25 lines (unless it is a final page);
- pages are numbered consecutively regardless of the number of volumes of transcript;
- volumes of transcript and volumes of exhibits are numbered separately;
- left margin are no more than 1-1/2 inches from the edge of the binding;
- all other margins are one inch from the edge of the page;
- the court reporter must note where a witness's direct, cross, or redirect examination begins in boldface capital letters at the top or bottom of each page;
- the typeface is no larger than 12-point type;
- line spacing is no greater than double-spacing;
- records excluded from Public Access pursuant to Administrative Rule 9(G) are excluded from Public Access and compliance with the provisions of Ind. Appellate Rule 28(A)(9) is required.

Please keep in mind the following:

- **Changes to Transcript timelines go into effect July 1, 2016. Please see the following September 9, 2014 Supreme Court Order:**
<http://www.in.gov/judiciary/files/order-rules-2014-0909-appellate.pdf>
- **All volumes have a cover page containing the case information and clearly identifying the volume (e.g., Transcript, Vol. 1 or Exhibits, Vol. 3).**
- **Transcripts for an appeal in a "split" juvenile paternity (JP) case require preparation of a confidential and a non-confidential volume. See below.**
- All volumes of Transcripts and Exhibits are bound at the left.
- **Short transcripts are combined into one large volume** (up to 250 pages). Identify on a cover sheet what hearings are contained in the volume.

- All transcripts are accompanied by a **separately bound Table of Contents**;
- Transcripts are sent to the office of the Clerk of the Supreme Court, Court of Appeals and Tax Court **immediately upon request**.
- Appellate rule 28(C) requires that paper transcripts generated on a word processing system are accompanied by an electronic copy of the transcript.

In addition to this manual and the text of Appellate Rule 28 itself, useful information about preparation of transcripts may be found in the Court Reporter's Handbook. See <http://www.in.gov/judiciary/center/2448.htm>.

Electronic Transcripts

[Ind. Appellate Rule 30](#) permits the court reporter to submit an electronically formatted Transcript instead of or in addition to a paper Transcript prepared under Rule 28, if the trial court, all parties on appeal and the Court on Appeal all approve and the electronic transcript is prepared in compliance with the procedures described in the rule and meets the technical standards set forth in [Appendix B to the Rule of Appellate Procedure](#).

Points to remember about electronic Transcripts:

- At the time the notice of appeal is filed with the trial court clerk, all parties may jointly move the Court on Appeal to accept an electronically formatted Transcript. The motion must acknowledge the trial court's willingness to provide a transcript in electronic format that conforms to the requirements of the Appellate Rules.
- The court reporter must transcribe the evidence on media meeting standards for electronic media, formatting, transmission and word processing software approved by the Division of State Court Administration.
- The electronic Transcript is paginated and the lines sequentially numbered. Although marginal notes are not required, the electronic Transcript must designate the point at which exhibits, by exhibit number, are considered at trial.
- Submission of exhibits is governed by [Ind. Appellate Rule 29](#).
- [Ind. Appellate Rule 30](#) does not specifically address confidentiality of records but [Ind. Administrative Rule 9\(G\)\(4\)](#) governs access to records in appellate proceedings. **The rule does not exempt electronic transcripts from compliance with the requirements applicable to paper transcripts.**
- The electronic media upon which the electronic Transcript is transcribed is labeled in accordance with the Rule.
- The court reporter's signature on the electronic media constitutes the reporter's certificate.

Split Juvenile Paternity (JP) Case Transcripts

A split JP case is one that began before July 1, 2014 and was disposed by the trial court after July 1, 2014.

A special provision in Administrative Rule 9(G)(2)(k) makes all records and documents filed in a JP case before July 1, 2014 confidential. By statute, all records and documents filed after July 1, 2014 are not confidential.

What is the proper form to deliver a transcript to the Court of Appeals for this situation?

In this situation, the court reporter creates two volumes, one for public access on white paper with the confidential information redacted, and one CLEARLY MARKED “Confidential” or “Not for Public Access” on green paper which will contain only the confidential information.

The volume for public access should start with a notation that Admin. R. 9(G)(2)(k) makes all proceedings in a JP case occurring before July 1, 2014 confidential and that portion of the transcript will be in the confidential volume.

The confidential volume need not contain a table of contents and only the title page (Form # App.R. 28-1) of the transcript is required to be on green paper.

Exhibits

[Indiana Appellate Rule 29](#) addresses exhibits in appeals.

- Documentary exhibits shall be included in separately-bound volumes that comply with Appellate Rule 28(A)(6).
- Nondocumentary and oversized exhibits shall not be sent to the Court on appeal, but remain in the custody of the trial court.
- If an exhibit was accompanied by a Notice of Exclusion (Administrative Rule 9(G)(5)(a)(i)(b)), the court reporter must comply with Administrative Rule 9(G)(5)(b).

Last modified 1/14/2016